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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/657,497
Filing Date: September 08, 2000
Appellant(s): UNITE ET AL.

Anthony V.S. England
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/3/06 appealing from the Office action mailed 8/3/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

William R. Duncan, "A Guide to the Project Management Body of Knowledge, 1996, Project Management Institute, Four Campus Boulevard, Newtown Square, Pennsylvania, 19073-3299, USA

6,381,610 GUNDEWAR et al. 4-2002

5,890,130 COX et al. 3-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 2, 4-6, 8-11, 13-16, 18, 19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Guide To The Project Management Body Of Knowledge" By William R. Duncan in view of U.S. Patent No. 6,381,610 to Gundewar and U.S. Patent No. 5,890,130 to Cox.

As per claim 1, Duncan discloses a system for project management comprising:

information technology for the build and operate program, wherein the program includes:

--the claimed one or more initiating and planning processes (i.e. build processes) (see: Duncan, Fig 3-1, page 28, lines 5-8);

--the claimed one or more executing processes (i.e. operate processes) (see: Duncan, Fig. 3-1, page 28, lines 9-10);

--the claimed one or more controlling and closing processes (i.e. management processes) (see: Duncan, Fig 3-1, page 28, lines 11-14); and

--the claimed wherein the information technology includes data representing i) inputs and outputs for ones of said processes and ii) a plurality of links associated with respective ones of

the inputs and outputs, wherein the links provide connections linking outputs from one of said build, operate and management processes to inputs of respective other ones of the build, operate or management processes is met by individual processes that are link by their inputs and outputs (see: Duncan: page 29, paragraph 2). Duncan further teaches the links associated with the exit conditions that involve deliverables to be approved before work can proceed (see: Duncan, Fig 3-1, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10);

Duncan fails to explicitly teach using information technology including:

--the claimed wherein selected sets of sequentially-linked ones of the processes are assigned to selected project teams and the sets are designated as respective process streams;

--the claimed wherein such a link has exit conditions associated with the link and the exit conditions for the link must be satisfied before the link can be traversed from output to input; and

--the claimed wherein planning milestones are designated for ones of the outputs.

Gundewar et al. teaches a method for automated project planning with entry and exit criteria that may include milestone, approval, procedure completions and/or design or production events necessary to enter or exit the particular process (see: column 5, lines 57-61).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include exit conditions and planning milestones as taught by Gundewar et al. within the guide to project management as taught by Duncan with the motivation of providing tracking tool for meeting criteria of the processes (see: Gundewar et al., col.5, lines 60-64).

Duncan and Gundewar fail to teach the claimed wherein selected sets of sequentially-linked ones of the processes are assigned to selected project teams and the sets are designated as

respective process streams and outputs having links spanning across two or more of the process streams.

Cox teaches a system that generates a model of workflow using elongated arrows representing communications or other actions between different departments (see: column 6, lines 34-37). Cox further teaches that a flowchart with four types of arrows—request a product or service from supplier, agree to the request from customer, report completion of the requested goods or service to the customer, and accept the goods or services from supplier (see: column 6, lines 41-46, column 3, lines 47-66 and Fig. 5). The Examiner considers the flowchart with vertical and horizontal arrows representing communications (links) between different departments (teams) as equivalent to linking ones of the processes assigned to selected project teams, sets designated as respective process streams and spanning across two or more process streams.

One of ordinary skill in the art at the time the invention was made would have found it obvious to include linking ones of the processes assigned to selected project teams, sets designated as respective process streams and spanning across two or more process streams as taught by Cox with the system as taught by Duncan and Gundewar with motivation of providing a system for modeling business workflow which clearly specifies the responsibilities of each participant (see: Cox: column 1, lines 39-43).

As per claims 2 and 11, Duncan teaches that the processes can be overlapping (see Duncan, page 28, lines 19-22, page 11, lines 9-12).

As per claims 4, 8, 13, and 18, Duncan teaches that the management units manage the business operating processes (see: Duncan, Fig 3-1, page 28, lines 11-14).

As per claims 5 and 14, the exit conditions as disclosed by Duncan are associated with approved deliverables (see: Duncan, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10).

As per claim 6, Duncan discloses a system for a large-scale sporting event, comprising: information technology for the event, wherein the event includes:

--the claimed set of one or more initiating and planning processes (i.e. build processes) controlling processes (i.e. testing processes) and executing processes (i.e. operating processes) Duncan, Fig 3-1, page 28, lines 5-14.

--the claimed a plurality of links for connecting outputs and inputs of the processes. Duncan, Fig 3-1, page 6, lines 15-17. The links are associated with the exit conditions that involve deliverables to be approved before work can proceed (see: Duncan, Fig 3-1, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10); and

--the claimed wherein the information technology includes data representing i) inputs and outputs for ones of said processes and ii) a plurality of links, wherein the links provide connections linking outputs from ones of said build, test, operate game-day, and management process to inputs of respective other ones of the build, test operate, game-day, and management processes is met by individual processes that are link by their inputs and outputs (see: Duncan: page 29, paragraph 2). Duncan further teaches the links associated with the exit conditions that involve deliverables to be approved before work can proceed (see: Duncan, Fig 3-1, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10).

Duncan fails to teach:

--the claimed wherein sets of selected, sequentially-linked ones of the processes are assigned to selected project teams and the sets are designated as respective process streams;

--the claimed wherein such a link has conditions associated with the link and exit conditions for the link must be satisfied before the link can be link can be traversed from output to input; and

--the claimed wherein planning milestones are designated for ones of the outputs having links spanning across two or more of the process streams.

Gundewar et al. teaches a method for automated project planning with entry and exit criteria that may include milestone, approval, procedure completions and/or design or production events necessary to enter or exit the particular process (see: column 5, lines 57-61).

One of ordinary skill in the art at the time the invention was made would have found it obvious to includes exit conditions and planning milestones as taught by Gundewar et al. with the system as taught by Duncan with the motivation of providing tracking tool for meeting criteria of the processes (see: Gundewar et al., col.5, lines 60-64).

Duncan and Gundewar et al. fail to teach the claimed wherein sets of selected, sequentially-linked ones of the processes are assigned to selected project teams and the sets are designated as respective process streams.

Cox teaches a system that generates a model of workflow using elongated arrows representing communications or other actions between different departments (see: column 6, lines 34-37). Cox further teaches that a flowchart with four types of arrows—request a product or service from supplier, agree to the request from customer, report completion of the requested

goods or service to the customer, and accept the goods or services from supplier (see: column 6, lines 41-46, column 3, lines 47-66 and Fig. 5).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams as taught by Cox with the system as taught by Duncan and Gundewar et al. with motivation of providing a system for modeling business workflow which clearly specifies the responsibilities of each participant (see: Cox: column 1, lines 39-43).

As per claim 9, the exit conditions as disclosed by Duncan are associated with approved deliverables (see: Duncan, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10).

As per claim 10, Duncan discloses a method for establishing a build and operate program, wherein executing the program includes building and operating information technology, the method, comprising the steps of:

--the claimed defining one or more building processes, wherein executing such a building process includes information technology is met by initiating and planning processes (i.e. build processes) (see: Duncan, Fig 3-1, page 28, lines 5-8);

--the claimed defining one or more operate processes, wherein executing such an operate process includes information technology is met by the executing processes (i.e. operate processes) (see: Duncan, Fig. 3-1, page 28, lines 9-10);

--the claimed defining one or more management process, wherein the build, operate and management processes have respective inputs and outputs (see: Duncan, Fig 3-1, page 28, lines 11-14); and

--the claimed forming a plurality of links associated with respective ones of the inputs and outputs is met by the links for connecting outputs and inputs of the processes (see: Fig 3-1, page 6, lines 15-17). Duncan further teaches the links associated with the exit conditions that involve deliverables to be approved before work can proceed (see: Duncan, Fig 3-1, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10).

Duncan fails to explicitly teach:

--the claimed assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams;

--the claimed link provides connections linking the outputs from ones of said build, operate, and management processes to the inputs of respective other ones of the build, operate, or management processes;

--the claimed associating exit conditions with respective links, wherein the exit condition for a respective one of the links must be satisfied before the link can be traverse from output to input; and

--the claimed designating planning milestones for ones of the outputs having links spanning across two or more of the process streams.

Gundewar et al. teaches a method for automated project planning with entry and exit criteria that may include milestone, approval, procedure completions and/or design or production events necessary to enter or exit the particular process (see: column 5, lines 57-61).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include exit conditions and planning milestones as taught by Gundewar et al. within

the guide to project management as taught by Duncan with the motivation of providing tracking tool for meeting criteria of the processes (see: Gundewar et al., col.5, lines 60-64).

Duncan and Gundewar fail to teach the claimed assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams.

Cox teaches a system that generates a model of workflow using elongated arrows representing communications or other actions between different departments (see: column 6, lines 34-37). Cox further teaches that a flowchart with four types of arrows—request a product or service from supplier, agree to the request from customer, report completion of the requested goods or service to the customer, and accept the goods or services from supplier (see: column 6, lines 41-46, column 3, lines 47-66 and Fig. 5).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams as taught by Cox with the system as taught by Duncan and Gundewar with motivation of providing a system for modeling business workflow which clearly specifies the responsibilities of each participant (see: Cox: column 1, lines 39-43).

As per claim 15, Duncan discloses a method for executing a build and operate program, wherein executing the program includes building and operating information technology, the method, comprising the steps of:

--the claimed defining one or more build process, wherein executing such a build process includes building information technology is met by the one or more initiating and planning processes (i.e. build processes) (see: Duncan, Fig 3-1, page 28, lines 5-8);

--the claimed defining one or more operate processes, wherein executing such an operate process includes operating information technology is met by the one or more executing processes (i.e. operate processes) (see: Duncan, Fig. 3-1, page 28, lines 9-10); and

--the claimed forming a plurality of links, wherein the links provide connections linking from one of said build, operate, and management processes to respective other ones of the build, operate, or management processes, such a link being associated with at least one of the outputs and one of the inputs is met by the links for connecting outputs and inputs of the processes (see: Fig 3-1, page 6, lines 15-17). Duncan further teaches the links associated with the exit conditions that involve deliverables to be approved before work can proceed (see: Duncan, Fig 3-1, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10).

Duncan fails to explicitly teach:

associated exit conditions with the respective links;

--the claimed assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process;

--the claimed designating planning milestones for ones of the outputs having links spanning across two or more of the process streams; and

--the claimed executing the program, including traversing the links from their respective outputs to their respective inputs, wherein a respective one of the link is traverse only if the link's exit conditions are satisfied.

Gundewar et al. teaches a method for automated project planning with entry and exit criteria that may include milestone, approval, procedure completions and/or design or production events necessary to enter or exit the particular process (see: column 5, lines 57-61).

One of ordinary skill in the art at the time the invention was made would have found it obvious to includes designating planning milestones and executing programs including traversing the links as taught by Gundewar et al. with the system as taught by Duncan with the motivation of providing tracking tool for meeting criteria of the processes (see: Gundewar et al., col.5, lines 60-64).

Duncan and Gundewar et al. fail to teach the claimed assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process.

Cox teaches a system that generates a model of workflow using elongated arrows representing communications or other actions between different departments (see: column 6, lines 34-37). Cox further teaches that a flowchart with four types of arrows—request a product or service from supplier, agree to the request from customer, report completion of the requested goods or service to the customer, and accept the goods or services from supplier (see: column 6, lines 41-46, column 3, lines 47-66 and Fig. 5).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams as taught by Cox with the system as taught by Duncan and Gundewar et al. with motivation of providing a system for

modeling business workflow which clearly specifies the responsibilities of each participant (see: Cox: column 1, lines 39-43).

As per claim 16, Duncan teaches that the processes can be overlapping (see Duncan, page 28, lines 19-22, page 11, lines 9-12).

As per claim 19, the exit conditions as disclosed by Duncan are associated with approved deliverables (see: Duncan, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10).

As per claim 21, Duncan discloses a method for executing a large-scale sporting event, comprising the steps of:

--the claimed defining a set of one or more initiating and planning processes (i.e. build processes) controlling processes (i.e. testing processes) and executing processes (i.e. operating processes) (see: Duncan, Fig 3-1, page 28, lines 5-14);

--the claimed defining a set of management process related to all of said build, testing, operations, and game-day processes, wherein the build, testing, operations, management and game-day processes have respective inputs and outputs (see: Duncan, Fig 3-1, page 28, lines 11-14); and

--the claimed forming a plurality of links associated with respective ones of the inputs and outputs, wherein the links provide connections linking outputs from ones of said build, test, operate, game-day, and management processes is met by the links for connecting outputs and inputs of the processes (see: Fig 3-1, page 6, lines 15-17).

Duncan fails to teach:

--the claimed assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams;

--the claimed associating exit conditions with respective links, wherein the exit condition for a respective one of the link must be satisfied before the link can be traversed from output to input; and

--the claimed designating planning milestones for ones of the outputs having links spanning across two or more of the process streams.

Gundewar et al. teaches a method for automated project planning with entry and exit criteria that may include milestone, approval, procedure completions and/or design or production events necessary to enter or exit the particular process (see: column 5, lines 57-61).
One of ordinary skill in the art at the time the invention was made would have found it obvious to includes exit conditions and planning milestones as taught by Gundewar et al. with the system as taught by Duncan with the motivation of providing tracking tool for meeting criteria of the processes (see: Gundewar et al., col.5, lines 60-64).

Duncan and Gundewar et al. fail to teach the claimed assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams.

Cox teaches a system that generates a model of workflow using elongated arrows representing communications or other actions between different departments (see: column 6, lines 34-37). Cox further teaches that a flowchart with four types of arrows—request a product or service from supplier, agree to the request from customer, report completion of the requested goods or service to the customer, and accept the goods or services from supplier (see: column 6, lines 41-46, column 3, lines 47-66 and Fig. 5).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams as taught by Cox with the system as taught by Duncan and Gundewar et al. with motivation of providing a system for modeling business workflow which clearly specifies the responsibilities of each participant (see: Cox: column 1, lines 39-43).

As per claim 22, Duncan disclose a method for executing a build and operate program, comprising the steps of:

--the claimed defining program requirements for each of the processes (see: Duncan, pages 30-32); and

--the claimed defining, responsive to said requirement, build, operate, and management processes, and related links therebetween, wherein the build, operate and management processes have respective inputs and outputs, wherein executing such a build process includes building information technology and executing such as operate process includes operating information technology is met the initiating, planning (i.e., build), executing processes (i.e. operation), controlling and closing processes (see: Duncan, Fig. 3-1, page 28, lines 9-10, page 28, lines 11-14). The links are associated with the exit conditions that involve deliverables to be approved before work can proceed. Duncan, Fig 3-1, page 6, lines 15-17, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10).

Duncan fails to explicitly teach:

--the claimed assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams;

--the claimed associating exit conditions with the respective links, wherein such a links between respective ones of processes is only traversable if exit conditions associated with the link are satisfied;

--the claimed designating planning milestones for one of the output having links spanning across two or more of the process streams; and

--the claimed executing the processes, including traversing said links over time.

Gundewar et al. teaches a method for automated project planning with entry and exit criteria that may include milestone, approval, procedure completions and/or design or production events necessary to enter or exit the particular process (see: column 5, lines 57-61).

One of ordinary skill in the art at the time the invention was made would have found it obvious to includes designating planning milestones and executing programs including traversing the links as taught by Gundewar et al. with the system as taught by Duncan with the motivation of providing tracking tool for meeting criteria of the processes (see: Gundewar et al., col.5, lines 60-64).

Duncan and Gundewar et al. fail to teach the claimed assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams.

Cox teaches a system that generates a model of workflow using elongated arrows representing communications or other actions between different departments (see: column 6, lines 34-37). Cox further teaches that a flowchart with four types of arrows—request a product or service from supplier, agree to the request from customer, report completion of the requested

goods or service to the customer, and accept the goods or services from supplier (see: column 6, lines 41-46, column 3, lines 47-66 and Fig. 5).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams as taught by Cox with the system as taught by Duncan and Gundewar et al. with motivation of providing a system for modeling business workflow which clearly specifies the responsibilities of each participant (see: Cox: column 1, lines 39-43).

As per claim 23, the exit conditions as disclosed by Duncan are associated with approved deliverables (see: Duncan, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10).

As per claim 24, Duncan a method for executing a build and operate program comprising the steps of:

a) the claimed determining program requirements is met by the one or more initiating and planning processes (i.e. build processes) (see: Duncan, Fig 3-1, page 28, lines 5-8); and

b) the claimed defining responsive to said requirements, build, operate and management processes, and related links therebetween, wherein the build, operate and management processes have respective inputs and outputs, wherein executing such a build process includes building information technology and executing such a operate process includes operating information technology is met by the design project having a series of phases from conceptual development through definition and implementation to closure (see: Duncan: page 13).

Duncan fails to teach:

--the claimed assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams;

c) the claimed determining what requirements should be met to perform a certain one or more of the processes;

d) the claimed defining exit criteria for one or more of the processes immediately preceding the certain one or more processes for which requirements were determined in step c) wherein said exit criteria for such a processes must be satisfied before traversing any such link defined in step b) from the process to another one of the processes;

e) the claimed repeating steps c) and d), in a next interaction thereof, for one or more of the processes immediately preceding the one or more of the processes for which the requirements were determined in the previous interaction of step c), wherein an initial one of the interaction of step c) begins with an ultimate one of the operate processes;

--the claimed designating planning milestones for ones of the outputs having links spanning across two or more of the process streams; and

f) the claimed executing the processes, including traversing said links over time.

Gundewar et al. teaches a method for automated project planning with entry and exit criteria that may include milestone, approval, procedure completions and/or design or production events necessary to enter or exit the particular process (see: column 5, lines 57-61).

One of ordinary skill in the art at the time the invention was made would have found it obvious to includes designating planning milestones and executing programs including traversing the links as taught by Gundewar et al. within the guide to project management as

taught by Duncan with the motivation of providing tracking tool for meeting criteria of the processes (see: Gundewar et al., col.5, lines 60-64).

Duncan and Gundewar et al. fail to teach:

--the claimed assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams.

Cox teaches a system that generates a model of workflow using elongated arrows representing communications or other actions between different departments (see: column 6, lines 34-37). Cox further teaches that a flowchart with four types of arrows—request a product or service from supplier, agree to the request from customer, report completion of the requested goods or service to the customer, and accept the goods or services from supplier (see: column 6, lines 41-46, column 3, lines 47-66 and Fig. 5).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include assigning selected sets of sequentially-linked ones of the processes to selected project teams and designating the sets as respective process streams as taught by Cox with the system as taught by Duncan and Gundewar et al. with motivation of providing a system for modeling business workflow which clearly specifies the responsibilities of each participant (see: Cox: column 1, lines 39-43).

As per claim 25, the exit conditions as disclosed by Duncan are associated with approved deliverables (see: Duncan, page 28, lines 15-17, page 11, lines 18-30, page 12, lines 7-10).

(A) Claims 1, 6, 10 and 21 have been amended to now recite the step of "data representing the linked process inputs and outputs provides a schedule of the processes for building and operating infrastructure for the event" and "dependencies among teams having an impact on the

schedule are identified; and wherein, to identify schedule risk, risk factors ...are assigned to the process and the system generates a list of the process for each team's process stream".

(B) As per these limitations, Cox teaches workflow model in Fig. 5, for example a flowgraph for a credit request that shows the communication between the production and supplier departments and between the production department and shipping department and between production and accounting department (see: column 7, lines 35-59 and Fig. 5 and 12). In addition, Cox teaches a user can request a verbal description of responsibilities of each department that participates in the business workflow, which is stored as file in computer (10, Fig. 13) and a run-time model can be provided for each intra-company department represented on a time line (see: column 7, lines 60-63 and column 8, lines 55-67).

(10) Response to Argument

In the Appeal Brief filed 3 January 2006, Appellant makes the following arguments:

(A) The Cox reference does not teach or suggest linking processes assigned to selected project teams, designating sets of the assigned processes streams, and spanning across two or more process streams as recited in claim 1.

(B) Cox does not teach or suggest a set of sequentially-linked processes assigned to a project team as recited in claim 1.

(C) Cox does not teach or suggest risk factors as recited in claim 1.

(D) Gundewar does not teach or suggest milestones designated for output having links spanning across two or more process streams.

(E) Examiner arguments regarding "process streams" are not a basis for rejection.

(F) Examiner's arguments regarding improperly attacking references individually are not a basis for rejection.

Examiner will address Appellant's arguments in sequence as they appear in the brief.

Response to Arguments (A), (B) and (C)

In response to argument (A), (B) and (C) The Examiner respectfully submits the Cox reference teaches a flowchart with four types of arrows—request a product or service from supplier, agree to the request from customer, report completion of the requested goods or service to the customer, and accept the goods or services from supplier (see: column 6, lines 41-46, column 3, lines 47-66 and Fig. 5). The Examiner considers each of these actions to be sequentially linked. In addition, Cox teaches a workflow model in Fig. 5, for example a flowgraph for a credit request that shows the communication between the production and supplier departments and between the production department and shipping department and between production and accounting department (see: column 7, lines 35-59 and Fig. 5 and 12). Furthermore, Cox teaches that a user can request a verbal description of responsibilities of each department that participates in the business workflow, which is stored as file in computer (10, Fig. 13) and a run-time model can be provided for each intra-company department represented on a time line (see: column 7, lines 60-63 and column 8, lines 55-67). The flowchart clearly indicates that the process and steps assigned to each department are completed and Fig. 5 and 14 illustrate communication between departments that span two or more "process streams", where considering the fact that a "process stream" may be nothing more than set of sequentially-linked processes. Moreover, a user's request for description of responsibilities of each department and a

run-time model could be considered as identifying and determining risk factors such as specific duties and a time-line involved with team completing a project.

Response to Arguments (D)

In response to argument (D) The Examiner respectfully submits that the Cox reference, and not Duncan and Gundewar et al., *per se*, that was relied upon for the specific teaching of a system that generates a model of workflow using elongated arrows representing communications or other actions between different departments (see: column 6, lines 34-37). In addition, the flowchart described by Cox clearly indicates that the process and steps assigned to each department are completed and Fig. 5 and 14 illustrate communication between departments that span two or more "process streams". Duncan and Gundewar et al. was relied on for primarily teaching of a method for automated project planning with entry and exit criteria that may include milestone, approval, procedure completions and/or design or production events necessary to enter or exit the particular process (see: Gundewar et al.: column 5, lines 57-61). Thus, the proper combination of the applied references would be the incorporation of Cox's links and communication spanning across two or more process streams or department with the system described by Duncan and Gundewar et al.

Response to Arguments (E) and (F)

In response to arguments (E) and (F), the Examiner respectfully submits that on page 38, lines 23-26 of specification, the term "process streams" are a string of processes typically assigned to a single Project Team. The Cox reference is relied on for teaching a workflow model in Fig. 5, for example a flow graph for a credit request that shows the communication between the production department and supplier department and between the production department and

shipping department and between production and accounting department (see: column 7, lines 35-59 and Fig. 5 and 12). This clearly shows a string of processes such as a credit request (process 1) from the production department (Team 1) to the supplier department (Team 2) and a request (process 2) from the production department (Team 1) to the accounting department (Team 3). Furthermore, the Duncan reference is relied on for teachings individual processes that are link by their inputs and outputs (see: page 29, paragraph 2). Moreover, even assuming *arguendo* that Appellant is correct in the assertion that the Examiner's has no basis for arguments regarding improperly attacking references individually (which Examiner respectfully disagrees). One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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